



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. Theodore Knight, President
Allied Concrete Company
1000 Harris St.
Charlottesville, VA 22902

3 1 2018

Dear Mr. Knight:

Enclosed is a file-stamped copy of the Administrative Order on Consent requiring correction of alleged violations of the Clean Water Act by Allied Concrete Company that relate to discharges of stormwater. Thanks to Allied for working with us to promptly resolve this matter.

To the extent that Allied Concrete may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA), please see the enclosed information sheet, which provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also information on compliance assistance. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nina Rivera".

Nina Rivera
Office of Regional Counsel (3RC20)

cc: BJ Barbrow, Allied Concrete Company

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

REGIONAL HEARING OFFICE
EPA REGION III PHILADELPHIA

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In the Matter of:

**ADMINISTRATIVE ORDER
ON CONSENT**

Allied Concrete Company,
1000 Harris St.
Charlottesville, VA 22902

Docket No. CWA-03-2018-0021DN

Respondent.

I. STATUTORY AND REGULATORY BACKGROUND

1. The United States Environmental Protection Agency (“EPA”) has made the following findings of fact and issues in this Administrative Order on Consent (“Consent Order”) pursuant to the authority vested in the Administrator of EPA under Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a). This authority has been delegated by the Administrator to the Regional Administrator of EPA Region III, and further delegated to the Director, Water Protection Division, Region III.

2. Section 309(a) of the Act, 33 U.S.C. § 1319(a), provides, *inter alia*, that whenever on the basis of any information available to him the Administrator finds that any person is in violation of any permit condition or limitation implementing certain CWA sections in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342, he shall issue an order requiring such person to comply with such section or requirement.

3. Respondent, Allied Concrete Company (Allied), has agreed to the issuance of this Consent Order.

4. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant (other than dredged or fill material) from a point source into waters of the United States except in compliance with a permit issued pursuant to the National Pollutant Discharge Elimination System (“NPDES”) program under Section 402 of the Act, 33 U.S.C. § 1342.

5. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States, to ensure compliance with the requirements of the CWA. The

discharges are subject to specific terms and conditions, as prescribed in the permit. *See also* 33 U.S.C. § 1311.

6. Section 402(p) of the Act, 33 U.S.C. § 1342(p), and 40 C.F.R. sections 122.2 and 122.26 provide that, with some exceptions not relevant here, storm water discharges are "point sources" subject to NPDES permitting requirements under Section 402(a) of the Act, 33 U.S.C. § 1342(a).

7. "Storm water" is defined as "storm water runoff, snow melt runoff and surface runoff and drainage." 40 C.F.R. § 122.26(b)(13).

8. An NPDES permit is required for discharges of storm water associated with industrial activity. Section 402(p) of the Act, 33 U.S.C. § 1342(p); 40 C.F.R. § 122.26(a),(c); 40 C.F.R. § 122.21.

9. Pursuant to 40 C.F.R. § 122.26(b)(14)(ii), facilities classified as, inter alia, Standard Industrial Classification Group 32, including Industry Group 327 (Concrete Products) are engaged in "industrial activity" within the meaning of Section 402(p) of the Act and 40 C.F.R. § 122.

10. The Commonwealth of Virginia has been approved by EPA to administer the NPDES program in the Commonwealth of Virginia.

11. Pursuant to the authority of the Act, the NPDES program approval, and the Virginia State Water Control Law, Virginia issued General Virginia Pollutant Discharge Elimination System Permit for Concrete Products Facilities, effective October 1, 2008, which expired on September 30, 2013 ("2008 Permit").

12. Pursuant to the authority of the Act, the NPDES program approval, and the Virginia State Water Control Law, Virginia issued General Virginia Pollutant Discharge Elimination System Permit for Concrete Products Facilities, effective October 1, 2013, which will expire on September 30, 2018 ("2013 Permit").

13. The 2008 and 2013 Permits authorize the discharge of stormwater from concrete product facilities in accordance with the provisions of the permits. Both the 2008 and the 2013 Permits require a permittee to comply with all conditions in the Permit. 2013 Permit, Part III.L; 2008 Permit, Part III.L.

II. FINDINGS OF FACT, JURISDICTIONAL ALLEGATIONS AND CONCLUSIONS OF LAW

14. Allied is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).

15. **Charlottesville:** At all times relevant to this Order, Respondent has owned and/or operated a concrete products facility at or near 1000 Harris Street, Charlottesville, Virginia.

16. The Charlottesville facility discharges stormwater into a tributary of Schenk's Branch, which flows into Meadow Creek, which flows into the Rivanna River, which is a water of the United States.
17. The discharges of stormwater from the Charlottesville facility were authorized by the 2008 and 2013 Permits, under permit number VAG11064.
18. **Greene:** At all times relevant to this Order, Respondent has owned and/or operated a concrete products facility at or near 581 Luck Stone Road, Ruckersville, Virginia, also known as the Greene facility.
19. The Greene facility discharges stormwater into a tributary of White Run, which flows into Rippin Run, which flows into the Rapidan River which is a water of the United States.
20. The discharges of stormwater from the Greene facility were authorized by the 2008 and 2013 Permits, under permit number VAG110065.
21. **Harrisonburg:** At all times relevant to this Order, Respondent has owned and/or operated a concrete products facility at or near 2025 Beery Road, Harrisonburg, Virginia.
22. The Harrisonburg facility discharges stormwater into Blacks Run, which flows into the North River, which is a water of the United States.
23. The discharges of stormwater from the Harrisonburg facility were authorized by the 2013 Permit, under permit number VAG110354, coverage effective June 20, 2016.
24. **Louisa:** At all times relevant to this Order, Respondent has owned and/or operated a concrete products facility at or near 801 Luck Stone Road, Mineral, Virginia, also known as the Louisa facility.
25. The Louisa facility discharges stormwater into Christopher Creek, which flows into the North Anna River, which is a water of the United States.
26. The discharges of stormwater from the Louisa facility were authorized by the 2008 and 2013 Permits, under permit number VAG110233.
27. **New Canton:** At all times relevant to this Order, Respondent has owned and/or operated a concrete products facility at or near 209 Krete Lane, New Canton, Virginia.
28. The New Canton facility discharges stormwater into Hunts Creek, which flows into the James River, which is a water of the United States.
29. The discharges of stormwater from the New Canton facility were authorized by the 2008 and 2013 Permits, under permit number VAG110048.

30. **Orange:** At all times relevant to this Order, Respondent has owned and/or operated a concrete products facility at or near 259 Byrd Street, Orange, Virginia.

31. The Orange facility discharges stormwater into Tomahawk Creek, which flows into Pamunkey Creek, which flows into Lake Anna and the North Anna River, which are waters of the United States.

32. The discharges of stormwater from the Orange facility were authorized by the 2008 and 2013 Permits, under permit number VAG110082.

33. **Ready Rock:** At all times relevant to this Order, Respondent has owned and/or operated a concrete products facility at or near 900 N Bayard Avenue, Waynesboro, Virginia, also known as the Ready Rock facility.

34. The Ready Rock facility discharges stormwater into Steele's Run, which flows into the South River, which is a water of the United States.

35. The discharges of stormwater from the Ready Rock facility were authorized by the 2013 Permit as of December 9, 2013, under permit number VAG110327.

36. **Staunton:** At all times relevant to this Order, Respondent has owned and/or operated a concrete products facility at or near 501 Statler Boulevard, Staunton, Virginia.

37. The Staunton facility discharges stormwater into Lewis Creek, which flows into the Middle River, which is a water of the United States.

38. The discharges of stormwater from the Staunton facility were authorized by the 2008 and 2013 Permits, under permit number VAG110071.

39. **VBS:** At all times relevant to this Order, Respondent has owned and/or operated a Valley Building Supply concrete products facility at or near 210 Stone Spring Road, Harrisonburg, Virginia ("the VBS facility").

40. The VBS facility discharges stormwater into a tributary of Blacks Run, which flows into the North River, which is a water of the United States.

41. The discharges of stormwater from the VBS facility were authorized by the 2008 and 2013 Permits, under permit number VAG110309.

42. **Waynesboro:** At all times relevant to this Order, Respondent has owned and/or operated a concrete products facility at or near 1321 Delphine Avenue, Waynesboro, Virginia.

43. The Waynesboro facility discharges stormwater into a tributary of the South River which is a water of the United States.

44. The discharges of stormwater from the Waynesboro facility were authorized by the 2008 and 2013 Permits, under permit number VAG110072.

45. **Zions:** At all times relevant to this Order, Respondent has owned and/or operated a concrete products facility at or near 9815 Three Notch Road, Troy, Virginia, also known as the Zions facility.

46. The Zions facility discharges stormwater into a tributary of Ballinger Creek, which flows into the Rivanna River, which is a water of the United States.

47. The discharges of stormwater from the Zions facility were authorized by the 2008 and 2013 Permits, under permit number VAG110066.

48. On April 8, 2014, an EPA compliance inspection team inspected the Charlottesville facility for compliance with its NPDES permit.

49. The 2008 Permit required the permittee to keep all reports and monitoring records for at least three years from the date of the report or measurement. 2008 Permit III.B.2. The 2013 Permit requires the permittee to keep all reports and monitoring records for at least three years from the date of expiration of permit coverage. 2013 Permit III.B.2.

50. On August 28, 2014, pursuant to Section 308 of the Act, EPA requested information and documents from Allied regarding compliance with the NPDES permit requirements at the concrete products facilities it owned and/or operated.

51. Based on the April 2014 inspection and on review of the documents provided in response to EPA's request, EPA has identified the following violations of the 2008 and 2013 Permits, and of Section 301 of the Act.

Counts 1 - 10: Failure to comply with permit requirements concerning Operations & Maintenance Manual

52. Both the 2008 and the 2013 Permits required the permittee to develop an Operations and Maintenance (O&M) Manual for the permitted facility. 2013 Permit, Part I.B.9; 2008 Permit, Part I.B.8. The 2013 Permit required that the permittee review and update the O&M Manual within 180 days after the date of coverage under that permit. 2013 Permit, Part I.B.9.a. For facilities covered from the effective date of the 2013 Permit, the O&M Manual had to be reviewed and updated by on or about March 30, 2014. The 2013 Permit also requires that a responsible corporate officer of a corporation permittee sign and certify the O&M Manual as specified in the permit. 2013 Permit, Part I.B.9.b.

53. As part of the Section 308 request, EPA requested the O&M Manual effective for Allied concrete product facilities as of April 2014.

54. **Charlottesville:** During the April 2014 inspection of the Charlottesville facility, Allied provided the facility's O&M Manual dated October 2011.

55. The Charlottesville facility's O&M Manual was not signed and certified as required by the 2013 Permit.
56. In response to the Section 308 request, Allied provided an updated O&M Manual for the Charlottesville facility dated September 2014.
57. **Greene:** In response to the Section 308 request, Allied provided an updated O&M Manual dated August 2014 for the Greene facility.
58. **Louisa:** In response to the Section 308 request, Allied provided an updated O&M Manual dated August 2014 for the Louisa facility.
59. **New Canton:** In response to the Section 308 request, Allied provided an updated O&M Manual dated September 2014 for the New Canton facility.
60. **Orange:** In response to the Section 308 request, Allied first provided an O&M Manual dated April 2004 for the Orange facility, which did not include a signed certification. Allied later provided an updated O&M Manual dated August 2014.
61. **Ready Rock:** In response to the Section 308 request, Allied provided an updated O&M Manual dated August 2014 for the Ready Rock facility.
62. **Staunton:** In response to the Section 308 request, Allied first provided an undated O&M Manual for the Staunton facility, which did not include a signed certification. Allied later provided an updated O&M Manual dated January 2015.
63. **VBS:** In response to the Section 308 request, Allied first provided an O&M Manual dated June 2010 for the VBS facility. Allied later provided an updated O&M Manual dated August 2014.
64. **Waynesboro:** In response to the Section 308 request, Allied first provided an O&M Manual dated September 2003 for the Waynesboro facility, which did not include a signed certification. Allied later provided an updated O&M Manual dated September 2014.
65. **Zions:** In response to the Section 308 request, Allied provided an updated O&M Manual dated January 2015 for the Zions facility.
66. By failing to have updated, signed and certified O&M Manuals at these facilities, Respondent violated the 2013 Permit and Section 301 of the Act, 33 U.S.C. § 1311 for at least the following periods:
 - a. from on or about March 31st, 2014 until August 2014 for the Greene, Louisa, Orange and VBS facilities;

- b. from on or about March 31st, 2014 until September 2014 for the Charlottesville, New Canton and Waynesboro facilities;
- c. from on or about March 31st, 2014 until January 2015 for the Staunton and Zions facilities; and
- d. from on or about June 8, 2014 until August 2014 for the Ready Rock facility.

Counts 11 - 16: Failure to conduct and document quarterly visual examination of storm water discharge

- 67. Both the 2008 and the 2013 Permits required permittees to perform and document a quarterly visual examination of a storm water discharge from each outfall. 2013 Permit Part II.D; 2008 Permit Part II.D. Visual examination reports must be maintained with the facility's Stormwater Pollutions Prevention Plan. 2013 Permit Part II.D.2; 2008 Permit Part II.D.2.
- 68. As part of the Section 308 request, EPA requested the visual examination reports for Allied concrete product facilities for 2012, 2013 and 2014.
- 69. In response to the Section 308 request, Allied did not provide any of the 12 required visual examination reports for the Charlottesville facility.
- 70. In response to the Section 308 request, Allied did not provide any of the 12 required visual examination reports for the Greene facility.
- 71. In response to the Section 308 request, Allied did not provide any of the 12 required visual examination reports for the New Canton facility.
- 72. In response to the Section 308 request, Allied did not provide any of the 12 required visual examination reports for the Orange facility.
- 73. In response to the Section 308 request, Allied did not provide any of the four (4) visual examination reports for 2014 for the Ready Rock facility.
- 74. In response to the Section 308 request, Allied only provided visual examination reports for the first and second quarters of 2012 for the Zions facility, missing ten (10) of the required visual examinations.
- 75. Respondent's failures to conduct and document the required visual examinations at the Charlottesville, Greene, New Canton, Orange, Ready Rock and Zions facilities are violations of the 2008 and 2013 Permits and Section 301 of the Act, 33 U.S.C. § 1311, specifically 33 occurrences of violations of the 2008 Permit and 29 occurrences of violations of the 2013 Permit.

Counts 17-26: Failure to comply with permit requirements concerning the Storm Water Pollution Prevention Plan

76. Both the 2008 and the 2013 Permits required permittees to develop and implement a storm water pollution prevention plan (SWPPP) for the covered facility. 2013 Permit Part II.G; 2008 Permit Part II.G. The 2013 Permit required facilities covered by the previous permit to update and revise their SWPPPs by January 2014; other facilities had to prepare and implement their SWPPPs prior to commencing operations. 2013 Permit Part II.G.1.

77. Both Permits required that the SWPPP be signed and certified, and be kept on-site. 2013 Permit Part II.G.2.a; 2008 Permit Part II.G.2.a.

78. The 2013 Permit requires, among others, that the SWPPP: a) specify sweeping frequency of exposed areas, or equivalent measure, at least weekly to minimize the discharge of spilled cement and other materials (2013 Permit Part II.G.6.f(2)); b) address preventive maintenance including regular inspection and repair of equipment to avoid failure that could result in leaks (2013 Permit Part II.G.6.f(3)); c) include the contact information of the individuals to be notified in the event of a spill (2013 Permit Part II.G.6.f(4)); d) require routine inspections of the facility, at least quarterly, and that record of the inspection be kept with the SWPPP (2013 Permit Part II.G.6.f(5)); and e) include a description and schedule for preventive maintenance of the storm water controls (2013 Permit Part II.G.7).

79. The 2013 Permit also require the SWPPPs to include a site map. 2013 Permit Part II.G.6.c. The site map must document the outline of the drainage areas and the location of materials exposed to precipitation, among others. 2013 Permit Part II.G.6.c(1) and (4).

80. As part of the Section 308 request, EPA requested the SWPPP that was in effect at each of Allied concrete product facilities as of April 2014.

81. **Charlottesville:** During the April 2014 inspection of the Charlottesville facility and in response to the Section 308 request, Allied produced the facility's SWPPP dated from October 2006, revised in 2011. The SWPPP was signed and certified as of October 2006.

82. The 2006/2011 SWPPP for the Charlottesville facility did not include contact information for the personnel to be notified in the event of a spill.

83. The 2006/2011 SWPPP for the Charlottesville facility did not include a schedule for maintenance of the storm water controls at the facility.

84. In response to the Section 308 request, Allied provided an updated SWPPP for the Charlottesville facility dated September 2014.

85. In response to the Section 308 request, Allied provided records of routine inspections of the Charlottesville facility only for February 2013 and April 2014.

86. In response to the Section 308 request, the map Allied provided with the 2014 SWPPP did not include the outline of drainage areas.
87. **Greene:** In response to the Section 308 request, Allied first provided a SWPPP for the Greene facility dated August 2007, which did not include a signed certification. Later Allied provided a SWPPP dated August 2014.
88. The 2007 SWPPP for the Greene facility did not specify minimum weekly sweeping, or equivalent measure, of exposed areas.
89. The 2007 SWPPP for the Greene facility did not include contact information for the personnel to be notified in the event of a spill.
90. The 2007 SWPPP for the Greene facility did not include a schedule for maintenance of the storm water controls at the facility.
91. In response to the Section 308 request, Allied provided records of routine inspection of the Greene facility only for March 2012 and for April, September and December of 2013.
92. **Louisa:** In response to the Section 308 request, Allied first provided a SWPPP for the Louisa facility dated June 2007, which did not include a signed certification. Later Allied provided a SWPPP dated August 2014.
93. The 2007 SWPPP for the Louisa facility did not specify minimum weekly sweeping, or equivalent measure, of exposed areas.
94. The 2007 SWPPP for the Louisa facility did not include contact information for the personnel to be notified in the event of a spill.
95. The 2007 SWPPP for the Louisa facility did not include a schedule for maintenance of the storm water controls at the facility.
96. In response to the Section 308 request, Allied provided records of routine inspection of the Louisa facility only for February 2012.
97. In response to the Section 308 request, Allied did not provide a site map with the 2007 SWPPP. Later Allied provided a site map with the 2014 SWPPP.
98. **New Canton:** In response to the Section 308 request, Allied initially did not provide a SWPPP for the New Canton facility. Later Allied provided a SWPPP dated September 2014.
99. In response to the Section 308 request, Allied did not initially provide a site map. Later Allied provided a site map with the 2014 SWPPP.

100. **Orange:** In response to the Section 308 request, Allied first provided a SWPPP for the Orange facility dated October 2008, which did not include a signed certification. Later Allied provided a SWPPP dated August 2014.
101. The 2008 SWPPP for the Orange facility did not specify minimum weekly sweeping, or equivalent measure, of exposed areas.
102. The 2008 SWPPP for the Orange facility did not include a preventive maintenance program for equipment.
103. The 2008 SWPPP for the Orange facility did not include contact information for the personnel to be notified in the event of a spill.
104. The 2008 SWPPP for the Orange facility did not include a schedule for maintenance of the storm water controls at the facility.
105. In response to the Section 308 request, Allied provided records of routine inspection of the Orange facility only for 2013.
106. **Ready Rock:** In response to the Section 308 request, Allied initially did not provide a SWPPP for the Ready Rock facility. Later Allied provided a SWPPP dated August 2014.
107. The 2014 SWPPP for the Ready Rock facility did not include a preventive maintenance program for equipment.
108. In response to the Section 308 request, Allied did not provided any records of routine inspection of the Ready Rock facility for 2014.
109. **Staunton:** In response to the Section 308 request, Allied first provided a SWPPP for the Staunton facility dated October 2003, with a signed certification dated August 2008. Later Allied provided a SWPPP dated January 2015.
110. The 2003/2008 SWPPP for the Staunton facility did not specify minimum weekly sweeping, or equivalent measure, of exposed areas.
111. The 2003/2008 SWPPP for the Staunton facility did not include contact information for the personnel to be notified in the event of a spill.
112. The 2003/2008 SWPPP for the Staunton facility did not include a schedule for maintenance of the storm water controls at the facility.
113. In response to the Section 308 request, Allied provided some records of routine inspection of the Staunton facility but there were no records of inspection for the first quarter of 2012 and the last 3 quarters of 2014.

114. **VBS:** In response to the Section 308 request, Allied first provided an undated SWPPP for the VBS facility, which did not include a signed certification. Later Allied provided a SWPPP dated August 2014.
115. The undated SWPPP for the VBS facility did not specify minimum weekly sweeping, or equivalent measure, of exposed areas.
116. The undated SWPPP for the VBS facility did not include contact information for the personnel to be notified in the event of a spill.
117. The undated SWPPP for the VBS facility did not include a schedule for maintenance of the storm water controls at the facility.
118. In response to the Section 308 request, Allied did not provide any records of routine inspection of the VBS facility.
119. **Waynesboro:** In response to the Section 308 request, Allied first provided a SWPPP for the Waynesboro facility dated September 2003, with a signed certification dated 2008. Later Allied provided a SWPPP dated August 2014.
120. The 2003/2008 SWPPP for the Waynesboro facility did not specify minimum weekly sweeping, or equivalent measure, of exposed areas.
121. The 2003/2008 SWPPP for the Waynesboro facility did not include contact information for the personnel to be notified in the event of a spill.
122. The 2003/2008 SWPPP for the Waynesboro facility did not include a schedule for maintenance of the storm water controls at the facility.
123. **Zions:** In response to the Section 308 request, Allied first provided an undated SWPPP for the Zions facility, which did not include a signed certification. Later Allied provided a SWPPP dated January 2015.
124. The undated SWPPP for the Zions facility did not specify minimum weekly sweeping, or equivalent measure, of exposed areas.
125. The undated SWPPP for the Zions facility did not include contact information for the personnel to be notified in the event of a spill.
126. The undated SWPPP for the Zions facility did not include a schedule for maintenance of the storm water controls at the facility.
127. In response to the Section 308 request, Allied provided only three records of routine inspection of the Zions facility for the period between 2012 and 2014.

128. In response to the Section 308 request, the map Allied provided with the 2015 SWPPP did not include the outline of drainage areas and did not identify significant materials exposed to precipitation.

129. By failing to have signed and certified SWPPPs with all the elements required by the 2013 Permit, including the quarterly inspections and site maps as provided in the 2013 Permit, Respondent violated the 2013 Permits and Section 301 of the Act, 33 U.S.C. § 1311, during the following periods:

- a. from January 1st, 2014 to at least on or about August 2014 for the Greene, Louisa, Orange, VBS and Waynesboro facilities;
- b. from January 1st, 2014 to at least on or about September 2014 for the Charlottesville and New Canton facilities;
- c. from January 1st, 2014 to at least on or about January 2015 for the Staunton and Zions facilities; and
- d. from December 9, 2013 to at least on or about January 2015 for the Ready Rock facility.

Counts 27-36: Failure to conduct and document annual comprehensive site evaluation

130. Both the 2008 and the 2013 Permits required permittees conduct a comprehensive site compliance evaluation at least once a year. 2013 Permit Part II.G.8; 2008 Permit Part II.G.8. The evaluation must be conducted by qualified personnel and must cover the elements specified in the permit. The permittee must write a report summarizing the scope of the evaluation and all the observations relating to the implementation of the SWPPP. The report must be signed and certified and maintained with the SWPPP. 2013 Permit Part II.G.8.j; 2008 Permit Part II.G.8.j.

131. As part of the Section 308 request, EPA requested the evaluation reports for Allied concrete product facilities for 2012, 2013 and 2014.

132. In response to the Section 308 request, Allied did not provide the 2012 and 2014 evaluation reports for the Charlottesville facility.

133. In response to the Section 308 request, Allied did not provide the 2014 evaluation report for the Greene facility.

134. In response to the Section 308 request, Allied did not provide the 2013 and 2014 evaluation reports for the Louisa facility.

135. In response to the Section 308 request, Allied did not provide any evaluation reports for the New Canton facility.

136. In response to the Section 308 request, Allied did not provide any evaluation reports for the Orange facility.

137. In response to the Section 308 request, Allied did not provide the 2014 evaluation report for the Ready Rock facility.

138. In response to the Section 308 request, Allied did not provide the 2014 evaluation report for the Staunton facility.

139. In response to the Section 308 request, Allied did not provide the 2014 evaluation report for the VBS facility.

140. In response to the Section 308 request, Allied did not provide the 2014 evaluation report for the Waynesboro facility.

141. In response to the Section 308 request, Allied did not provide the 2013 and 2014 evaluation reports for the Zions facility.

142. Respondent's failures to conduct and document the required site evaluation reports from the Charlottesville, Greene, Louisa, New Canton, Orange, Ready Rock, Staunton, VBS, Waynesboro and Zions facilities are violations of the 2008 and 2013 Permits and Section 301 of the Act, 33 U.S.C. § 1311, specifically 17 violations of the comprehensive site evaluation requirement.

Count 37: Discharge without a permit

143. Since at least August 2014, Respondent has owned and/or operated the Harrisonburg facility.

144. Discharges of stormwater from the Harrisonburg facility were covered by an NPDES permit only as of June 20, 2016.

145. Based on the stormwater runoff model specified in Technical Release Document 55 of the U.S. Army Corps of Engineers, it is calculated that rain events of over 0.6" would have resulted on stormwater discharges from the Harrisonburg facility.

146. From August 2014 to June 2016 there were at least 16 rain events of over 0.6", including several events of over 1" which have caused discharges of stormwater from the Harrisonburg facility.

147. The discharges of stormwater from the Harrisonburg facility between at least August 2014 and June 20, 2016, are violations of Section 301 of the Act, 33 U.S.C. § 1311.

III. ORDER

AND NOW, Pursuant to section 309(a) of the Act, 33 U.S.C. § 1319(a), having taken into account the seriousness of the violations and good faith efforts by Respondent to comply with section 301(a) of the Act, Respondent is hereby ORDERED to do the following:

148. The Respondent shall take all actions necessary to comply with the 2013 Permit (or subsequently issued applicable NPDES stormwater permit) at all concrete product facilities which Respondent owns or operates and which are subject to the NPDES stormwater permit requirement, including:

- a. Respondent shall review and update annually the O&M Manual applicable to each permitted concrete products facility and shall individually sign and certify each Manual as provided in the 2013 Permit III.K.
- b. Respondent shall review and update at least annually the SWPPP applicable to each permitted concrete products facility, including revisions based on the results of the annual comprehensive site evaluations, as required by the 2013 Permit II.G.8.i, and shall individually sign and certify each SWPPP as provided in the 2013 Permit III.K.
- c. Respondent shall evaluate the effectiveness of the applicable SWPPP whenever the benchmark monitoring of the stormwater discharge from a permitted concrete products facility exceeds 100 mg/l of total suspended solids or falls outside a pH range of 6.0-9.0. Respondent shall document modifications of the SWPPP to address any monitoring exceedances or the justification as to why modifications are not necessary. This documentation shall be maintained with the SWPPP.
- d. At the facilities where stormwater discharge occurs via sheetflow, Respondent shall conduct benchmark monitoring of stormwater, as required by the 2013 Permit Part I.A.3, and visual examination of storm water discharge, as required by the 2013 Permit Part II.D, as specified in the 2009 *Industrial Stormwater Monitoring and Sampling Guide* (EPA 832-B-09-003), or equivalent monitoring or sampling technique, for monitoring and sampling sheetflow.
- e. Respondent shall conduct an annual stormwater NPDES Compliance audit (the "audit"), in any concrete products facility at which Allied is the owner or operator, as described below.
 - i. Respondent will conduct the audit annually at each facility for a period of five (5) years.
 - ii. The first audit will evaluate compliance during the calendar year of 2017 and must be completed not later than January 31st, 2018. The subsequent audits will be completed not later than January 31st of the following years, to evaluate the compliance for each preceding calendar year.

iii. The person(s) conducting the audit shall be adequately trained in stormwater compliance, shall have the authority to require implementation of the applicable CWA requirements for stormwater discharges and shall have the authority to take corrective actions regarding stormwater compliance at the Allied facility.

iv. The audit must review compliance with all the NPDES permit requirements listed in Attachment A.

v. The findings of the audit must be documented in a report as shown in Attachment A.

vi. If the discharges from any concrete products facility owned or operated by Allied are covered by a new or reissued general permit or a new individual permit, Allied will revise the permit requirements listed in Attachment A for that facility to reflect and correspond to the requirements of the newly applicable permit. Allied will submit the revised Attachment A to EPA for comment at least four (4) weeks prior to conducting an audit with the revised Attachment A.

vii. The audit report shall be signed by a responsible corporate officer or a duly authorized representative as defined at 40 C.F.R Section 122.22(b). The signatory shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

viii. Respondent shall forward a copy of each audit report within thirty (30) days of completion of the audit to:

Chuck Schadel
Water Protection Division (3WP42)
US EPA Region III
1650 Arch St.
Philadelphia, PA 19103

f. Respondent shall post in its public website information on its NPDES stormwater compliance at its concrete products facilities. The website shall include for each covered facility: permit coverage number; the SWPPP (including visual examination reports, quarterly inspection reports and annual comprehensive site compliance evaluation reports); discharge monitoring reports required by the 2013 Permit Part I.A.3 and III.C;

and any state inspection reports on NPDES compliance received by Allied. Allied need only post the visual examination reports, quarterly inspections report, annual comprehensive site compliance evaluation reports, discharge monitoring reports, and state inspection reports that are completed after the date of this Order. Respondent shall post up-to-date information on its website within 90 days of the effective date of this order. Respondent shall post future documents such as SWPPP updates or reports of storm water discharge visual examinations, quarterly inspections or annual comprehensive site compliance evaluations, or state inspection reports within 30 days of the completion of such document. Respondent shall maintain the required information on its public website for a minimum of five (5) years.

IV. GENERAL PROVISIONS

149. Issuance of this Consent Order is intended to address the violations described herein. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Further, EPA reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. §1311, et seq., the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction. Further, EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Consent Order, following its effective date (as defined below).

150. This Consent Order does not constitute a waiver or modification of the terms or conditions of the Respondent's NPDES Permit. Compliance with the terms and conditions of this Order does not relieve Respondent of its obligations to comply with any applicable federal, state, or local law, regulation or permit.

151. For the purposes of this proceeding, the Respondent neither admits nor denies the factual allegations and conclusions of law set forth in this Consent Order.

152. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Consent Order, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

153. EPA reserves all existing inspection authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.

154. The undersigned representative of Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this AO and to execute and legally bind the party.

CERTIFICATE OF SERVICE

I certify that the enclosed Administrative Order on Consent was delivered to the following persons:

Delivery by Certified Mail Return Receipt Requested:

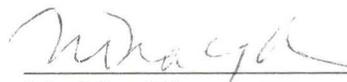
Theodore Knight, President
Allied Concrete Company
1000 Harris Street
Charlottesville, VA

Larry Barbrow
Allied Concrete Company
1000 Harris Street
Charlottesville, VA 22902

Delivery by hand (original and one copy):

Regional Hearing Clerk (3RC00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Date: 11/3/18



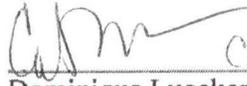
Ms. Nina Rivera
Senior Assistant Regional Counsel

V. EFFECTIVE DATE

This ORDER is effective after receipt by Respondent of a fully executed document.

SO ORDERED:

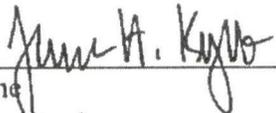
Date: 1/30/17


Catharine McManus
~~Dominique Lueckenhoff~~
Acting Director, Water Protection Division
U.S. EPA Region III

AGREED TO:

For Allied Concrete Company

Date: 10/6/17


James H. Kygo
Name
President
Title

Attachment A

FACILITY NAME & PERMIT:	AUDIT DATE:	Calendar Year covered by the audit:	
BENCHMARK MONITORING (Describe Permit Requirement, Including Frequency)			
Time Period:			
DMRs Submitted Late (List Outfalls):			
List Outfall(s) For Which No Parameters Were Monitored For This Reporting Period:			
When Outfalls Were Monitored, But Not All Parameters Were Quantified, List The Outfall And The Corresponding Parameters That Are Missing:			
For all analytical results outside of the Benchmark value ranges, list the Outfall, parameter and corresponding results:			

FACILITY NAME:	AUDIT YEAR:
O&M MANUAL (State whether or not each component is complete, incomplete, or missing.)	
O&M FOR WW PROCESS TREATMENT	
ESTIMATING PROCESS FLOWS	
SOLIDS MANAGEMENT & DISPOSAL	
CLOSURE PLANS	
TESTING PROCEDURES	
RECORDKEEPING& REPORTING	
DUTIES & ROLES OF OFFICIALS	
ANNUAL UPDATE (DATE OF UPDATE)	
SIGNATURE (INITIAL AND AFTER UPDATE)	

FACILITY NAME:	AUDIT YEAR:
----------------	-------------

QUARTERLY VISUAL OUTFALL EXAMINATIONS
(State whether or not each examination was completed with the date, or whether it is incomplete, or missing.)

	1 ST QUARTER	2 ND QUARTER	3 RD QUARTER	4 TH QUARTER
Outfall -				
Outfall -				
Outfall -				
Outfall				

FACILITY NAME:		AUDIT YEAR:	
SWPPP (State whether or not each item is complete, incomplete, or missing)			
SIGNATURE			
UPDATE AND SIGNATURE FOR UPDATE (specify date and reason e.g. high benchmark, construction/change in design, deficiency identified during routine inspection; etc.)			
STAFF IDENTIFIED			
POTENTIAL POLLUTANT SOURCE ACTIVITIES			
MAP - OUTLINE OF DRAINAGE AREAS			
	Drainage Areas		
	Structural Controls		
	Surface Waters		
	Exposed Materials		
	Spills & Leaks		
	Fueling & Maintenance		
	Storage Areas		
	Outfalls		
	Stormwater Conveyance		
	Erosion Areas		
SPILLS & LEAKS			
SAMPLING DATA			
STORM WATER CONTROLS			
BMPs		Employee Training	
Good housekeeping (including sweeping)		Sediment & Erosion Control	
Preventive Maintenance		Management of Runoff	
Spill Prevention & Response		Maintenance of BMPs	

FACILITY NAME:

AUDIT YEAR:

ROUTINE INSPECTIONS

(Describe Permit Requirement, Including Frequency)

(State whether or not each inspection was completed and specify date, or whether the inspection is incomplete, or missing.)

1st Quarter

2nd Quarter

3rd Quarter

4th Quarter

INSPECTIONS

ADDITIONAL INSPECTIONS
(including state inspections)

FACILITY NAME:	AUDIT YEAR:	
COMPREHENSIVE SITE COMPLIANCE EVALUATION	(State whether or not each component is complete, incomplete, or missing.)	
Date of evaluation:	Industrial Materials	
	Leaks & Spills	
	Off-site Tracking	
	Pollutants Entering Stormwater Conveyance	
	Pollutants at Outfalls	
	Review of Training	
	Unauthorized Discharges Evaluation	
	Visual & Analytical Monitoring	
	SWPPP/BMP Modifications resulting from the evaluation	
	Report	

FACILITY NAME:	AUDIT YEAR:	
MAINTAINING ALL RECORDS	NOTES: (State whether or not each record is complete, incomplete, or missing. List the incomplete and missing records.)	
Benchmark Monitoring	<input type="checkbox"/> Kept with SWPPP	
O & M Manual		
Quarterly Outfall Examinations	<input type="checkbox"/> Kept with SWPPP	
SWPPP		
	Routine Inspections	<input type="checkbox"/> Kept with SWPPP
Comprehensive Site Compliance Evaluations	<input type="checkbox"/> Kept with SWPPP	

Name and Title of Person
Conducting the Audit:

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Responsible corporate officer or
Duly authorized representative

Date

Example of Audit Report, using Attachment A

FACILITY NAME & PERMIT: <i>CULPEPPER -VAG110315</i>	AUDIT DATE <i>January 10, 2020</i>	AUDIT-YEAR 12-Month Period covered by the audit: <i>2019</i>	
BENCHMARK MONITORING (Describe Permit Requirement, Including Frequency)	<i>Benchmark monitoring is required annually. Parameters are TSS; pH; and flow. There are 5 outfalls at this facility. Outfalls 001, 002, 003 and 004 are monitored and represent the outfall 005.</i>		
Time Period: <i>JANUARY – DECEMBER 2019</i>			
DMRs Submitted Late (List Outfalls): <i>NONE, OTHER THAN OUTFALL 005 BECAUSE IT IS REPRESENTED BY OTHER OUTFALLS</i>			
List Outfall(s) For Which No Parameters Were Monitored For This Reporting Period: <i>005</i>			
When Outfalls Were Monitored, But Not All Parameters Were Quantified, List The Outfall And The Corresponding Parameters That Are Missing:			
<i>003 - pH</i>	<i>004 - TSS</i>		
For all analytical results outside of the Benchmark value ranges, list the Outfall, parameter and corresponding results:			
<i>001 pH - 5.5 SU TSS - 200 ppm</i>	<i>002 TSS- 176 ppm</i>		

FACILITY NAME: CULPEPPER -VAG110315	AUDIT YEAR: 2019
O&M MANUAL (State whether or not each component is complete, incomplete, or missing.)	
O&M FOR WW PROCESS TREATMENT	COMPLETE
ESTIMATING PROCESS FLOWS	COMPLETE
SOLIDS MANAGEMENT & DISPOSAL	COMPLETE
CLOSURE PLANS	COMPLETE
TESTING PROCEDURES	COMPLETE
RECORDKEEPING& REPORTING	COMPLETE
DUTIES & ROLES OF OFFICIALS	COMPLETE
ANNUAL UPDATE (DATE OF UPDATE)	COMPLETE – September 2019
SIGNATURE (INITIAL AND AFTER UPDATE)	COMPLETE

FACILITY NAME: CULPEPPER -VAG110315		AUDIT YEAR: 2019		
QUARTERLY VISUAL OUTFALL EXAMINATIONS (State whether or not each examination was completed, with date, or whether it is incomplete, or missing.)				
	1 ST QUARTER	2 ND QUARTER	3 RD QUARTER	4 TH QUARTER
Outfall - 001	Complete Feb 3, 2019	Complete June 1 st , 2019	Complete July 28, 2019	Complete October 15, 2019
Outfall - 002	Complete Feb 3, 2019	Complete June 1 st , 2019	Not Completed	Complete October 15, 2019
Outfall - 003	Complete Feb 3, 2019	Complete June 1 st , 2019	Complete July 28, 2019	Complete October 15, 2019
Outfall - 004	Complete Feb 3, 2019	Complete June 1 st , 2019	Complete July 28, 2019	Complete October 15, 2019
Outfall				
Outfall				
Outfall				

FACILITY NAME: CULPEPPER -VAG110315		AUDIT YEAR: 2019	
SWPPP (State whether or not each item is complete, incomplete, or missing)			
SIGNATURE		COMPLETE	
UPDATE AND SIGNATURE FOR UPDATE (specify date and reason e.g. high benchmark, construction/change in design, deficiency identified during routine inspection; etc)		COMPLETE - July 1 st , 2019 due to high TSS in outfalls 01 and 02. Added XXXX BMP. [Or indicated that no update was required under the permit.]	
STAFF IDENTIFIED		COMPLETE	
POTENTIAL POLLUTANT SOURCE ACTIVITIES		COMPLETE	
MAP - OUTLINE OF DRAINAGE AREAS			
		Drainage Areas	COMPLETE
		Structural Controls	COMPLETE
		Surface Waters	COMPLETE
		Exposed Materials	COMPLETE
		Spills & Leaks	COMPLETE
		Fueling & Maintenance	COMPLETE
		Storage Areas	COMPLETE
		Outfalls	COMPLETE
		Stormwater Conveyance	COMPLETE
		Erosion Areas	COMPLETE
SPILLS & LEAKS		COMPLETE	
SAMPLING DATA		COMPLETE	
STORM WATER CONTROLS			
BMPs	COMPLETE	Employee Training	COMPLETE - summary in SWPPP
Good housekeeping (including sweeping)	COMPLETE	Sediment & Erosion Control	COMPLETE

Preventive Maintenance	COMPLETE	Management of Runoff	COMPLETE
Spill Prevention & Response	COMPLETE	Maintenance of BMPs	COMPLETE

FACILITY NAME: CULPEPPER -VAG110315		AUDIT DATE: 2019		
ROUTINE INSPECTIONS (Describe Permit Requirement, Including Frequency) <i>Routine inspections are required quarterly.</i>				
(State whether or not each inspection was completed and specify date or whether the inspection is incomplete, or missing.)	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
INSPECTIONS	COMPLETE Jan 29, 2019	COMPLETE April 15, 2019	COMPLETE July 18, 2019	COMPLETE December 1, 2019
ADDITIONAL INSPECTIONS (including state inspections)		VADEQ -May 13, 2019 (summarize any recommendation)		

FACILITY NAME: CULPEPPER -VAG110315		AUDIT DATE: 2019	
COMPREHENSIVE SITE COMPLIANCE EVALUATION		(State whether or not each component is complete, incomplete, or missing.)	
Date of evaluation: <i>November 8, 2019</i>	Industrial Materials	COMPLETE	
	Leaks & Spills	COMPLETE	
	Off-site Tracking	COMPLETE	
	Pollutants Entering Stormwater Conveyance	COMPLETE	
	Pollutants at Outfalls	COMPLETE	
	Review of Training	COMPLETE – conducted on July 25 for employees handling materials; October 13 refresher for SW inspectors.	
	Unauthorized Discharges Evaluation	COMPLETE	
	Visual & Analytical Monitoring	COMPLETE	
	SWPPP/BMP Modifications resulting from the evaluation	None necessary <i>[Or, e.g. increase sweeping frequency to twice weekly to address repeated off site tracking]</i>	
	Report	COMPLETE	

FACILITY NAME: CULPEPPER -VAG110315	AUDIT DATE: 2019	
MAINTAINING ALL RECORDS	NOTES: (State whether or not each record is complete, incomplete, or missing. List the incomplete and missing records.)	
Benchmark Monitoring	<p>COMPLETE</p> <p><input checked="" type="checkbox"/> Kept with SWPPP</p>	
O & M Manual	<p>COMPLETE</p>	
Quarterly Outfall Examinations	<p>COMPLETE</p> <p><input checked="" type="checkbox"/> Kept with SWPPP</p>	
SWPPP	<p>COMPLETE</p>	
	Routine Inspections	<p>COMPLETE</p> <p><input checked="" type="checkbox"/> Kept with SWPPP</p>

Comprehensive Site Compliance Evaluations	COMPLETE <input checked="" type="checkbox"/> Kept with SWPPP
---	---

Name and Title of Person
Conducting the Audit: John Doe, Environmental Compliance Specialist

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Mary Smith, Vice-president of Operations
Responsible corporate officer or
Duly authorized representative

January 20, 2019
Date



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc-hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions